

# Government of the District of Columbia

## ZONING COMMISSION



### ZONING COMMISSION ORDER NO. 766

Case No. 94-9

(Map Amendment @ 2400 M Street, N.W.)

December 12, 1994

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on September 26, 1994. At that hearing session, the Zoning Commission considered an application from the Columbia Hospital for Women, with permission from the United States Government (Owner), to amend the Zoning Map of the District of Columbia, pursuant to Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provision of 11 DCMR 3022.

### FINDINGS OF FACT

1. The application which was filed on April 19, 1994, requested a change of zoning from unzoned to C-2-C for Lot 803, in Square 25.
2. The applicant proposes to redevelop the site for use as a National Women's Health Resources Center and any necessary related adjuncts to that facility.
3. The subject property is owned by the United States Government. The real party in interest in this application is the Columbia Hospital for Women ("applicant"). The hospital has been given permission from the United States Government to purchase the subject site pursuant to, and subject to, the conditions of congressional legislation entitled National Women's Health Resource Center, Washington, D.C., Public Law 103.67. This legislation restricts its use as a hospital. The law requires that no part of the subject property conveyed may be used during a 30-year period for any use other than the National Women's Health Resource Center ("Center"). The Hospital has 4 years from the date of conveyance to begin operating the Center. The subject property reverts to the Federal government if the above applicant fails to comply with the conditions.
4. The subject property is located on the southwest corner of the intersection of 24th and M Streets, N.W. The subject property is essentially square in shape. The property has a frontage of 230.6 feet on M Street, N.W., and a depth of 231.10 feet

along 24th Street, N.W. The property contains approximately 53,437 square feet of land area. The property is relatively level, and is developed with a six-story red brick office building occupied by the United States Government. The remainder of the site is paved, and used for automobile parking.

5. The subject property is surrounded by the following land uses and zoning categories: The subject site abuts M Street on its north side. M Street carries one-way traffic, and has a 90-foot right-of-way. Metered curb parking is allowed on both sides of M Street. The intersection of 24th and M Streets is controlled by a traffic light. Across M Street is the nine-story Westin ANA Hotel, occupied with ground level retail and service uses at 2401 M Street, N.W. Immediately west of the Westin ANA Hotel is a 9-story office building located on the northeast corner of 25th and M Streets, N.W. at 2433 M Street, N.W. Further north, between M and N Streets there are several other office buildings, including the U.S. News and World Report Headquarters at 2400 N Street, N.W. Each of the properties described above are located in the CR District.
6. Diagonally across the intersection of 24th and M Streets, N.W. is the ten-story Park Hyatt Hotel at 1201 24th Street, N.W. Continuing east along the north side of M Street are two other office buildings at 2311 and 2301 M Street, N.W. These properties are located in the CR District.
7. The eastern boundary of the subject property fronts on 24th Street, N.W. Twenty-fourth Street has a 90 foot right-of-way, and carries two-way traffic. Curbside parking is allowed on both sides of the street. Across 24th Street, is The Grand Hotel is located on the southeast corner of the intersection of 24th and M Street, N.W., at 1143 24th Street, N.W. Further east adjacent to The Grand Hotel is a nine-story office building are located in the C-2-C District. Other uses in Square 37, to the east of the subject square, include two apartment houses, the West End Branch Public Library, the Third Metropolitan Police Precinct, and surface parking lots.
8. Immediately south of the subject property is Columbia Hospital for Women. The hospital occupies the remainder of Square 25, surrounding the subject site on its south and west sides. The hospital property south of the subject site is located in the R-5-D zone district. This site was rezoned from R-5-B to R-5-C in 1987, pursuant to Zoning Commission Order No. 540, and later rezoned to R-5-D pursuant to Zoning Commission Order No. 721, dated November 13, 1992. Further south across L

Street is a nine-story office building located at 2401 Pennsylvania Avenue, N.W. The Hotel Bristol and St. Stephen Martyr Roman Catholic Church are also located southwest of the subject site across Pennsylvania Avenue. The properties described above, located to the south of Square 25, are located in the C-2-C Zone District.

9. Immediately west of the subject property is the Columbia Hospital for Women Medical Center building at 2440 M Street, N.W. This nine-story office building is located in the C-2-C Zone. This facility occupies the northwest corner of Square 25.
10. The subject property is located in the Foggy Bottom/West End Neighborhood area, located in the northwest quadrant of the city. As described above, the subject property is located in a neighborhood area consisting of a mix of land uses, including large office buildings, hotels, and apartment houses. Major institutional land uses in the area include The George Washington University and The Columbia Hospital for Women.
11. The C-2-C District permits matter of right development, including office, retail, housing, and mixed uses to a maximum height of 90 feet, a maximum floor area ratio (FAR) of 6.0 for residential and 2.0 for other permitted uses, and a maximum lot occupancy of 80 percent. Off-street parking for general office use in excess of 2,000 square feet of gross floor area is required at a ratio of one space for each 1,800 square feet of gross floor area.
12. The District of Columbia Generalized Land Use Map of the Comprehensive Plan for the National Capital designates the subject site as being located in the Mixed Use Medium Density Commercial/High Density Residential land use category.
13. The applicant in testimony, and in the written submission to the record, stated that the existing land uses and zoning patterns demonstrates that the area is predominantly developed with heights and densities matching that which are allowed under the C-2-C and CR provisions. The 90-foot height allowed under C-2-C is the same height as now permitted on property to the north, east, south and west of the site, including the R-5-D District. The large office, institutional (Columbia Hospital), and hotel buildings developed within the immediate vicinity of the site establishes the predominant character of the area. The eventual development of the site under C-2-C District standards will enhance the general welfare by providing for additional employment opportunities and tax revenues in the District.

14. The applicant, in its testimony and its submission to the record indicated, that the zoning of the site to C-2-C is "not inconsistent with the Comprehensive Plan." The Generalized Land Use Map, dated November, 1992, depicts the subject site in a larger area recommended for Mixed-use Medium Density Commercial/High Density Residential Use.
15. The applicant's submission stated that zoning of the subject property to C-2-C would not result in overcrowding of land or an undue concentration of population, nor is it likely that it would result in greater congestion of the surrounding streets system.
16. The applicant, in its testimony and statement of support submission, demonstrated that the zoning of the subject property to C-2-C is a logical extension of the C-2-C zoning boundary which abuts the subject site on its east and west sides. The C-2-C zoning in the area extends along the south side of M Street, N.W. for four blocks from 25th Street to New Hampshire Avenue, N.W.
17. The applicant, through its traffic consultant, presented testimony, and submitted a written traffic analysis which concluded that the proposed zoning to the C-2-C District would not have any adverse impact on traffic on the streets and intersections in the vicinity of the site. The traffic analysis took into consideration the potential of the site being built to its maximum development envelope under the C-2-C zone.
18. The District of Columbia Office of Planning (OP) by memorandum dated September 15, 1994, and by testimony presented at the public hearing, recommended that the application be approved. OP stated, in part, the following: "In the future, if the Hospital were to demolish the existing building on the site, OP believes that the development and use of the site under the C-2-C standards would still be consistent with the character of the surrounding area. Overall, the C-2-C zoning of the site would allow for development that would be in scale with the adjacent zoning and development patterns in the area."
19. The District of Columbia Department of Public Works (DPW), by memorandum dated September 22, 1994, stated that it supported the application for zoning to the C-2-C District. DPW further stated, in part, that: "The applicant has furnished a detailed transportation assessment of the potential development of the site under the maximum development allowed by the proposed C-2-C Zone. Capacity analysis and level of service computation at the intersections in the vicinity of the site indicate that all the critical intersections will operate at

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good levels of service during both the AM and PM peak hours." The Commission agrees with the findings and conditions of the DPW report.

20. Advisory Neighborhood Commission (ANC) 2A did not participate in the public hearing or submit a report into the file of the case.
21. The applicant testified, upon questioning by the Commission, that it attended a public meeting held by ANC-2A on September 8, 1994. The applicant noted that a full discussion of the issues ensued, and that a vote was taken to adopt a resolution unanimously approving the application.
22. The Commission concurs with the positions of the applicant, OP and DPW and believes that the requested zoning of the subject property to C-2-C is appropriate.
23. The proposed decision of the Zoning Commission was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganizations Act. NCPC, by report dated December 9, 1994, found that the proposed map amendment would not adversely affect the Federal Establishment or other Federal interest in the National Capital or be inconsistent with the Comprehensive Plan for the National Capital.

#### CONCLUSIONS OF LAW

1. Rezoning to C-2-C is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat. 797) by furthering the general public welfare and serving to stabilize and improve the area.
2. Rezoning to C-2-C will promote orderly development in conformity with the entirety of the District of Columbia zone plan as stated in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to C-2-C is not inconsistent with the Comprehensive Plan for the National Capital.
4. Rezoning to C-2-C will not have an adverse impact on the surrounding neighborhood.
5. Rezoning to C-2-C is not inconsistent with the provisions of Public Law 103.67, entitled National Women's Health Resource Center, Washington, D.C. and in fact furthers its purposes.

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6. In considering its decision on this case, the Zoning Commission was not able to accord ANC 2A the "great weight" consideration to which it was entitled, as the ANC did not participate in the case.
7. Pursuant to D.C. Code Sec. 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply with the provisions of D.C. Code, Title 1, Chapter 25 (1987), and this order is conditioned upon full compliance with those provisions. The failure or refusal of the applicant to comply with any provisions of D.C. Law 2-38, as amended, shall be a proper basis for the revocation of this order.

#### DECISION

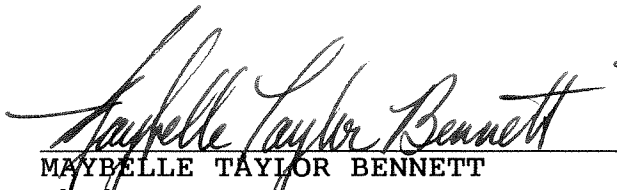
In consideration of the Findings of Fact and Conclusions of Law set forth herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of a change of zoning from unzoned to C-2-C for Lot 803 in Square 25, to become effective upon the transfer of title from the United States Government to the Columbia Hospital for Women.


Vote of the Zoning Commission taken at the public hearing on September 26, 1994: 5-0 (John G. Parsons, William B. Johnson, Maybelle Taylor Bennett, William L. Ensign and Jerrily R. Kress, to approve).

This order was adopted by the Zoning Commission at its public meeting held on December 12, 1994 by a vote of 4-0: (John G. Parsons, Jerrily R. Kress, Maybelle Taylor Bennett and William L. Ensign to adopt; William B. Johnson, not present, not voting).

In accordance with 11 DCMR 3028.8, this order is final and effective upon publication in the D.C. Register; that is, on

DEC 30 1994

  
MAYBELLE TAYLOR BENNETT  
Chairperson  
Zoning Commission

  
MADELIENE H. ROBINSON  
Director  
Office of Zoning